

Justice Research and Statistics Association

CODE OF ETHICS

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Purpose of the Code of Ethics

The membership of the Justice Research and Statistics Association is composed, primarily, of criminal justice analysts and researchers working for state-level public institutions on problems of broad social and political concern. The primary purpose of the Association is to promote the use of empirical analysis in criminal justice policy decision making at the state level and, in furtherance of this, to promote the development and continued improvement of State Statistical Analysis Centers. Additionally, the Association has a role in the larger community of criminal justice policy analysts and researchers to serve as the institutional center for the promotion of applied research and policy analysis to the problems of crime and criminal justice. In this role, the Association has an interest in the conduct of both basic and applied research as these relate to criminal justice policy issues confronted at the state, local, and national levels.

The Code of Ethics for the Justice Research and Statistics Association is intended as a guide to the membership of the Association, its employees, and contractors for the proper conduct of research and analysis. While the Code is advisory for the membership, it is intended to be binding upon employees and contractors of the Association. It acknowledges the responsibilities of those who seek to participate in the life of the criminal justice research and policy analysis community through active membership in the association, by clearly articulating standards which reflect the best interests of that community and the clients it seeks to serve. The standards of the Code are based on the principles of integrity and professionalism as they pertain to the applied social sciences. The Code recognizes peer review and active participation in the intellectual life of the community as primary safeguards to insure integrity and professionalism. Although the Code applies only to members of the association, it is expected that individual members will require employees under their authority and members of any research team of which they may be a part to act in accordance with its provisions to the extent permitted by law. Further, the Code defines the level of professional conduct which JRSA members have a responsibility to demand of all other professionals with whom they have dealings.

Terms and Definitions

"Association," as used herein, applies to the Justice Research and Statistics Association.

"Member" means any member or employee of the Association. This includes all categories of membership as the Bylaws of the Association may define. It also includes all employees of the Association, part-time or full-time, contractors to the Association, or any other party with whom JRSA has a professional or business relationship.

"Research" refers to all aspects of the research process, including, but not limited to, problem definition, measurement, data collection, sampling, analysis, and interpretation.

The remaining terms should be given the broadest possible interpretation consistent with the statement of purpose given above and the Bylaws of the Association.

Enforcement

Because the Justice Research and Statistics Association does not have any formal disciplinary authority over its membership, it is the responsibility of each individual member to follow the prescriptions of the Code and to assist other members in doing so. In the case of employees and contractors of the Association, it is the responsibility of the Executive Director to enforce the provisions of the Code, with the advice and consent of the JRSA Executive Committee and subject to the review of the voting membership.

CODE OF ETHICS

1. A member should assist in maintaining the integrity of the criminal justice research community.

A. Neutrality

Analysts should always strive for neutrality in the conduct of their work and in the presentation of findings.

1. In the conduct of research or analysis, analysts should not knowingly do or fail to do anything which would bias the results of their work.
2. In the presentation of findings, an analyst should not knowingly do or fail to do anything which would bias the interpretation, understanding, or application of the findings by the intended audience.
3. An analyst is obliged to present professional and unbiased work to the policy makers requesting such work.

The professional judgment of analysts should not be compromised by any interests or loyalties other than the proper conduct of their research and the provisions of this code. Personal interest or the interests of the analyst's own organization or any other group should not be allowed to influence the professional judgment of an analyst in the conduct of research and/or analysis and the presentation of findings to the policy makers requesting them.

Commentary: Neutrality is the first necessary element of credibility. Although neutrality, in the strict sense of the term, is not possible in the conduct of research, it is an ideal to strive for in the conduct of any analytical process. The selection of data, of sampling methods, of which analytic tools to utilize, and of presentational modalities all lend some form of bias to an analysis. This is in the very nature of the analytic process and cannot be avoided. The analyst must take great care to avoid bias by carefully considering the potential for bias when making basic research decisions such as which variables to include or exclude, the manner in which variables are operationalized and manipulated, the manner in which survey questions are phrased, and the degree of generalizability assigned to the findings. While such issues require judgments for which there are seldom hard and fast criteria, the analyst should always be aware of potential problems, and, to the extent possible, avoid them. Differences of opinion are bound to arise over questions of bias relative to research method or technique. Generally, such differences of opinion are beneficial, because they drive much of the methodological debate within the research community. Incidental bias relating to the structure of a particular technique or method may be a topic for discussion but not for condemnation; the absolute elimination of bias is simply not attainable. The best preventives against incidental bias are sensitivity to the problem on the part of the analyst, peer review, and open discussion of the issue. What is

attainable and should be the standard against which an analyst's work and conduct are judged is that of intentional bias. The character of the offense changes when the analyst makes basic research decisions, such as those indicated above, with the intent to influence the results in a particular way. In such cases, the responsible analysts should be subject to the censure of their peers. If the work of a criminal justice analyst is intentionally biased, it undermines the credibility of all criminal justice analysis. Without credibility, analytic work is useless.

The Code of Ethics is in many ways an extension of the goals and objectives of the Justice Research and Statistics Association. The "Mission Statement" contained in the Justice Research and Statistics Association Strategic Plan adopted by the membership in November 1, 2000 provides the fundamental framework for the Association:

"The Justice Research and Statistics Association is a professional organization committed to the development, analysis, dissemination, and use of accurate and timely information to support effective justice policy and practice. JRSA represents state Statistical Analysis Centers, and with those centers promotes a systemwide approach to justice issues, facilitates the exchange of information among the states, and works to ensure the use of empirical data to inform justice decision making."

The same language, in slightly modified form, appears in the Justice Research and Statistics Association, Incorporated Bylaws as adopted by the membership on September 27, 1991 and revised November 1, 2000:

"It is the mission of the Justice Research and Statistics Association to promote the development, analysis, and dissemination of objective and accurate information to support the policy making process at state, local, and national levels." (Bylaws, Article II)

The Code of Ethics has been developed to further the mission of the Association by making explicit those ethical principles which will insure that the work performed by the Association and its members adheres to the highest professional standards attainable, and that the information is honestly obtained and presented.

B. Professional Integrity

An analyst should maintain the highest standards of professional integrity in all matters relating to the conduct of analysis and the presentation and publication of findings.

1. Analysts should always recognize their duty to provide the highest quality of analytical work within the constraints present in a given situation and should:
 - a. recognize their limitations and seek the advice of colleagues who are better versed in areas of research, analysis, or policy which they deem critical to the analysis at hand, whenever it is appropriate to do so;
 - b. decline work beyond their competence when it is possible to do so. When it is not possible, the analyst should seek such assistance as may be available from persons competent in the specific area, and should advise policy makers as to the limitations of the research whenever appropriate in such cases where no assistance is available; and
 - c. seek peer review of their work whenever it is practical to do so.

2. Analysts should respect the rights and privacy of both clients and subjects of analysis. All applicable federal and state laws pertaining to the privacy of individuals, informed consent dissemination, and the security of privileged information should be rigorously followed during all phases of research and analysis. In addition to such legal and other requirements, such as Institutional Review Boards, the following principles should guide analysts in dealing with privacy issues:
 - a. They should never use their position or role as researchers in order to obtain information for other than professional purposes.
 - b. They should always respect the privacy of subjects of any research project with which they are involved. It is incumbent upon analysts to prevent direct or collateral harm to the subject of any research project. This includes, but is not limited to:
 - * full disclosure to research subjects of the manner in which information directly pertaining to them will be used during the course of a research project, the presentation of findings, and publications;
 - * disclosure of subject-specific information to only those persons authorized to receive it under the terms and conditions of the research project (i.e., the terms and conditions presented to the subject);
 - * the secure maintenance of all files, data bases, tapes, or other medium which contains client-specific information;
 - * subject specific information used in any publication should always have the prior informed consent of the subject;
 - * the analyst should obtain signed consent forms in those cases where individual subjects are to be identifiable in the published report, whenever it is practical to do so; and

- * the analyst should never offer or permit to be offered any undue inducement to obtain informed consent from a subject.
 - c. They should only release research findings or publish the results of a research project or analysis with the prior notification and, whenever appropriate, the consent of the client or sponsor.
3. An analyst should formally acknowledge in any published report or professional paper all persons who collaborated on or assisted in a substantial way with a research project.
 4. An analyst should formally acknowledge in any published report or professional paper material explicitly borrowed from the analyst's past work which was supported or sponsored by a person, organization, or agency different from the current sponsor.
 5. An analyst should fully report all sources of financial support and note any special relations to sponsor(s). When financial support has been accepted, the analyst must make every reasonable effort to complete the proposed work on schedule, including providing copies to the funding source.

Commentary: Professional integrity is the second necessary element of credibility in the simplest possible terms, professional integrity amounts to treating people fairly in all professional dealings.

Fundamental to fair treatment is the recognition by the analyst that the client is entitled to the best analysis possible given the constraints of a particular situation. Failure to provide the best analysis possible, or at least competent analysis, serves to discredit criminal justice research and policy analysis. While it is acknowledged that terms such as "competence" and "best analysis possible" do not lend themselves to universal agreement on many occasions, the rule remains clear: Researchers or analysts should not knowingly undertake a project for which they know they are not competent without seeking assistance, and communicating these limitations to the client. Because it is generally intended that results or findings of a particular analytic effort be utilized in the making or modification of public policy, a higher standard of self-examination is required in these matters than is typically the case.

The Code generally recommends the use of peer review as the best means of promoting professionalism within the analytic community, and improving research products utilized in the policy making process. In those cases where a formal peer review is not possible or practical, members are encouraged to utilize the informal networks within the Association to obtain feedback from their colleagues. The *Code* recognizes that all analysts, as well as the analytic community as a whole, benefit from knowledgeable and

well-meaning feedback. It is a primary responsibility of the Association to facilitate opportunities both for formal peer review and informal consultation among the members.

2. A member should assist in maintaining the professionalism and competence of the criminal justice research community.

A. Professionalism in Conduct of Research and Analysis

An analyst should conduct research and analysis according to the highest standards of the profession applicable under the conditions of the project.

1. Analysts should always exercise due care and diligence in the collection, processing, analysis, and distribution of data, taking all reasonable steps to assure the accuracy of the results.
2. Analysts should always exercise due care and diligence in the development of research designs and in the analysis of data and should:
 - a. employ only those tools and methods which, in their best professional judgment, are well suited to the research or analytical problem at hand and are appropriate under the conditions of the project;
 - b. select research tools or methods of analysis without regard to their special capacity to yield a desired conclusion;
 - c. apply analytical tools objectively without the intent to obtain a desired result or derive a predetermined conclusion from any research or analytical effort;
 - d. not knowingly make interpretations of research results which are inconsistent with the data available;
 - e. not knowingly misinterpret data or analytical results in order to reach a desired result or conclusion;
 - f. not knowingly state or imply that results, findings, or interpretations of research are accorded greater confidence than the data actually warrant; and
 - g. not knowingly misstate the results of any research or analytical effort in order to support a desired conclusion.
3. Analysts should describe their findings accurately and in appropriate detail to allow the typical member of the intended audience to develop conclusions relative to the research and its applicability to any related decision making functions which are consistent with the data.
 - a. They should take care to insure that all generalizations presented in their findings are appropriately supported by the data and should:

- * insure that generalizations are properly drawn from the data presented, and that reasonable competing hypotheses of equal weight given the evidence, are presented or noted; and
 - * not generalize their findings to an inappropriate population.
- b. They should take care to avoid biased or prejudicial language in the writing of the report.
- c. They should be explicit concerning the applicability of their research to any policy questions being discussed and should:
- * state the limits of the research and its applicability; and
 - * clearly state the assumptions made to arrive at any conclusions drawn.

Commentary: The primary means to promote professionalism is to conduct work in a professional manner. This section of the Code simply affirms the duty of analysts to perform their work according to the highest standards of the profession applicable under the conditions of the specific project. The specific considerations listed are liberally taken from the "Code of Professional Ethics and Practices" of the American Association for Public Opinion Research.

B. Promote Professionalism in the Conduct of Research and Analysis

Analysts have an affirmative duty to promote professionalism in the conduct of research and analysis and should:

1. willingly assist any colleague in the conduct of a research program or analytical project to the maximum extent possible whenever requested to do so;
2. promote and actively participate in peer review activities whenever it is possible to do so;
3. actively assist in the development of training programs in their area of expertise whenever it is possible to do so;
4. willingly assist any colleague in building the research and analytic capacities of their organization whenever it is possible to do so;
5. publish and distribute the results of their work whenever it is possible to do so;

6. document and publish notes on new methods or techniques, or fresh applications of old methods or techniques whenever it is possible to do so; and
7. After they have completed their own analyses, analysts should cooperate in efforts to make raw data and pertinent documentation collected and prepared at public expense available to other analysts, at reasonable costs, except in cases where confidentiality, the client's rights to proprietary information and privacy, or claims of a field worker to the privacy of personal notes necessarily could be violated.

Commentary: A second way in which analysts assist in maintaining competence and professionalism in the criminal justice community is to actively support their colleagues in the conduct of good research. This creates an affirmative duty for members to assist others in the conduct of research or analysis whenever requested and able to do so. Such assistance should always be rendered in a respectful and professional manner, so as to encourage its further use in the future. The last two elements of the standard relate to the affirmative responsibility of analysts to publish their results and research notes, and by so doing to participate in the improvement of the art and science of criminal justice research and analysis.

C. Protect Colleagues and the Public from Incompetent Research and Analysis

Analysts have an affirmative duty to protect colleagues and the public from work that is unprofessional, substantially misleading, or obviously incompetent.

1. They should recommend for employment or consultation only persons or organizations known to them to be qualified and competent in the specific areas of expertise required.
2. They should expose, with reasoned argument in the most appropriate forum available, research or analysis in which due diligence has not been exercised in the collection and analysis of data or the presentation of findings, and the analyst has substantial reason to believe that the failings of the analysis are intentional and should:
 - a. Seek consultation from colleagues with expertise in the field in which the questionable analysis was conducted before proceeding with any formal action on the matter.
 - b. Exhaust all lesser means available to correct the problem before considering public exposure. Such lesser means include:
 - * discussion of the analyst's concerns with the principal investigator involved in the work;

- * documenting the analyst's concerns and requesting a response from the principal investigator; and
 - * referring the matter to a peer review committee established under the auspices of the Association to adjudicate the matter, if such a procedure has been mutually agreed to by all parties involved.
3. They should seek the assistance of their colleagues and the Association whenever confronted with a demand to produce research or analysis which, in their best professional opinion, is substantially and intentionally flawed.
 4. They should assist their colleagues in such matters when, in their professional judgment, such assistance is warranted and would be beneficial.

Commentary: Because the work of JRSA members is often used in criminal justice policy making, and because it is a major objective of the Association to encourage the use of empirically-based analysis in public policy decisions, it is incumbent upon the members of the Association to protect the public against the intentional misuse of analysis. Given the realities of work in the public sector, this can only be a strategic principle of action and not a tactical requirement. Nevertheless, it is a serious matter which cannot be easily dismissed regardless of the circumstances of a particular case. The intentional misapplication of research and analysis serves to discredit the entire enterprise of criminal justice policy analysis and research; it directly diminishes the credibility of all work in the field when allowed to pass unchallenged.

While it is not possible to overemphasize the importance of the duty of the criminal justice research and analysis community to protect the general public and the policy making process from the intentional misrepresentation of analysis, it is a duty which should be undertaken only after careful examination of the facts of the case and one's own motives for proceeding further, and then only after consultation with other members of the community. In the conduct of the steps prior to public confrontation, the analyst should proceed in good faith with the principal investigator. Good faith in this instance requires that the principal investigator be given a detailed explanation of the issues raised and allowed an appropriate amount of time to respond. Further, if such an exchange does not satisfy all parties and there is mutual consent to seek review by a neutral finder of fact, the matter should be presented to the Executive Committee of the Association for referral to a peer review committee with authority to adjudicate the matter. Failing all such attempts to resolve the matter within the confines of the community, and if it is in the best professional judgment of analysts to do so, they should proceed to expose the problem through reasoned argument in the most appropriate forum. The arguments presented should be based on evidence and presented in a professional and dignified manner.

The final part of this section establishes a positive duty on the part of members to assist each another in the identification of inadequate or fraudulent research and to assist in mediation (or remediation) whenever necessary. As with other provisions of the Code dealing with mutual assistance and peer review, the intent here is to specify those mutual

obligations among members necessary to the Association's role as the institutional framework for the criminal justice applied research and policy analysis community.

D. Protect Colleagues and the Public from Unethical Researchers

Analysts have an affirmative duty to protect their colleagues and the public from researchers who knowingly engage in unethical research practices. In this context, an unethical research practice is a practice which substantially injures a research subject or violates their privacy without their informed consent, and when the researcher knew or should have known that the practice in question would have this result.

1. Analysts who have knowledge of unethical research practice have an affirmative obligation to present their concerns to the researcher engaging in the questionable practices.
2. Analysts should not participate in a research project which involves data, information, or analysis obtained in whole or in part through unethical research practices.
3. Analysts should not refer to, cite, or build further research upon studies or analyses which, in their best professional judgment, involved substantial unethical research practice.
4. Analysts serving on a peer review panel should not approve for publication any article or study which, in their best professional judgment and supported by evidence, involved substantial unethical research practices.
5. The Association should not permit the presentation of any report, study, or findings based on unethical research practices, at any meeting of the Association or in any Association-sponsored publication, except for the purpose of exposing unethical research practices.

Commentary: There is no justification for unethical research practice which is acceptable to the members of the Association. It is intended that this Code be proactive in the area of unethical research practices through the use of peer review and mutual assistance provisions which assist members in becoming sensitive to the ethical issues involved in any form of social science research. In a similar vein, the section of the Code dealing with the duty to actively promote professionalism within the discipline is also, in part, a preventive measure against unethical research methods. In those cases, however,

where these positive steps fail to prevent unethical research practice, the Association must take direct action. Unethical research practices, like incompetent research, injure the credibility of the entire social science research and analysis community. For this reason, no member of the Association, nor the Association itself should participate in or have any connection with unethical research practice. The principle here is to take no action which would reward or otherwise encourage individuals or organizations for unethical research practices. The Association and its members are to ignore the benefits of such practices, regardless of the potential value which may be derived from utilizing or promoting them.

3. A member should work to improve conduct and application of criminal justice research and policy analysis.

A. Participation on Professional Committees

Analysts have an affirmative duty to participate on those professional committees which, in their best judgment, they believe they can most effectively contribute to the development of criminal justice research and policy analysis.

Commentary: An analyst should seek to promote the improvement of criminal justice policy analysis and research through active participation in the intellectual life of the community of analysts. The most basic way in which this can be done is through participation in professional committees and service in elective office within the Association.

B. As a member of the Association, an analyst should participate as fully as possible in the affairs of the Association.

Analysts, in their role as members of the Association, have an affirmative responsibility to participate in the activities and deliberations of the association to the maximum extent possible given their individual circumstances.

1. A member of the Association should make every effort to attend the annual meeting of the Association and to participate in the business meeting.
2. Members of the Association should seek elective office if they believe, in good faith, that they can substantially contribute to the work of the Association.
3. The elected officers of the Association should at all times maintain the interests of its membership and the good of the larger community of

criminal justice policy analysts as the guiding principles of their deliberations and in the conduct of Association affairs.

Commentary: If the Justice Research and Statistics Association is to serve as the institutional center for analysts engaged in applied criminal justice research and policy analysis at the state and local level, the individual members have an affirmative responsibility to actively participate in the affairs of the Association. This participation includes service on professional committees and in elective office. It also entails an acceptance by all members of their mutual responsibility to one another as members, and to the larger community of criminal justice policy analysts. Within this context, it is incumbent upon all members to insure through their active participation that the Association promotes the interests of the members and the improvement of criminal justice policy analysis at the state, local, and federal levels in all of its business endeavors and actions. The Association supports ongoing discussion of the application of ethics to research topics.